

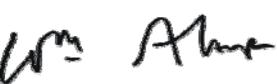
1 STEPHEN DWAYNE LESTER,

2 Plaintiff,

3 v. **ORDER GRANTING IN PART AND  
4 DENYING IN PART MOTION TO  
5 COMPEL AND FOR SANCTIONS**6 DEPUTY NUE, DEPUTY TILTON,  
7 SAN FRANCISCO COUNTY JAIL  
8 MEDICAL DEPARTMENT, DOES 1-  
9 1000,

10 (Docket Nos. 51)

11 Defendants.

12 Plaintiff filed this pro se civil rights action under 42 U.S.C. 1983. He was in jail when  
13 he filed this action, but he no longer is in custody. His claims against all defendants except  
14 Deputy Nue were dismissed. Nue's motion to dismiss was subsequently denied, and his motion  
15 for summary judgment is now due on July 20, 2012. Nue has filed a motion to compel plaintiff  
16 to attend a deposition and for sanctions. On one occasion, plaintiff agreed to attend his  
17 deposition and then did not appear at the agreed time and place. Nue then attempted on at least  
18 two occasions to schedule a deposition for another time, but plaintiff did not agree on a time for  
19 the deposition. Plaintiff is ordered to appear for a deposition within **21 days** of the date this  
20 order is filed; his failure to do so will result in the dismissal of this action for failure to  
21 prosecute, the payment of monetary sanctions, or both. *See* Fed. R. Civ. P. 30, 37, 41. In light  
22 of plaintiff's pauper status, defendant's request for \$825 in sanctions is **DENIED**.23  
24 **IT IS SO ORDERED.**25  
26 Dated: June 28, 2012.27  
28   
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE